

**PHARMACY EXAMINING BOARD
MEETING MINUTES
July 25, 2012**

Present: Tim Boehmer, Charlotte Rasmussen, Thad Schumacher, Jeanne Severson, Jason Walker-Crawford and Greg Weber

Staff: Dan Williams, Executive Director; Lydia Thompson, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Guests: Robert Stevens, Daniel Moore, Matthew Mattila, Chad Cobus, Nick Grandt, Tim Galinsky, Erin Bommersbach, Michael Ouvrard, John Dalton, Ali Sebald, Josh Prostek, Melissa Moore, Teresa Geier, Kurt Begalke, Jay Rice, Kim Schrank, Jamie Statz-Paynter, Doug Engelbert and Jeff Clinton

Greg Weber, Board Chair, called the meeting to order at 9:02 a.m. A quorum of 6 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Correct spelling of pharmacy in F(1)(2)(a)
- Correct the citation in H(5)(d) to read PHAR 7.04(1)(e)(2)
- Move Item F(1)(2)(i) to F(1)(3)(iv)

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Corrections

- Motions in “Legislation/Administrative Rule Matters” and “Liaison/Committee Reports” should all read “Motion Carried Unanimously.”

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the minutes of May 30, 2012, as amended. Motion carried unanimously.

PDMP

Chad Zadrazil, Prescription Drug Monitoring Program (PDMP) Project Manager, and Bill Lockwood, American Society for Automation in Pharmacy (ASAP) provided the Board with information relative to the discussion surrounding the PDMP software versions that occurred at the last meeting. Mr. Lockwood indicated that most of the changes were in field size. Version 4.2 also includes names of dispensers.

Russell King introduced himself to the Board. He will be working with Chad Zadrazil on the development and implementation of the PDMP program in Wisconsin. Chad indicated that the Joint Committee on the Review of Administrative Rules (JCRAR) informed him this morning that they will not be taking any action on the PDMP rule allowing it to move forward. The National Association of State Controlled Substance Authorities (NASCSA) awarded the Department an additional grant to fund PDMP training. Chad told the Board that license fees will not be increased to cover the cost of the implementation of the program and that we are still on target for an implementation of January 2013.

The Board suggested that multiple sources be used to inform licensees of this requirement and that the licensees be given an opportunity to contact the Department with issues that they have relative to the roll out of the PDMP in Wisconsin. The information should be distributed to licensees as soon as possible. The Board is concerned about the timing and distribution of the information. Chad indicated that there will be 6 “in-person” training sessions along with the on-line tutorials relative to the reporting process that will be available through grant funding.

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to utilize software version 4.2 of the American Society for Automation in Pharmacy (ASAP) for the PDMP in Wisconsin. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to request all Boards with prescriptive authority include PDMP as a standing item on future agendas. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Thad Schumacher, to request that DSPS establish a web presence for the PDMP program and specifically to post information for the public. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Dan Williams indicated that Franklin “Rocky” LaDien has been appointed to the Board. Upon confirmation, he will replace Tim Boehmer. Rocky provided the Board with a brief autobiography. Dan also indicated that Board elections will be held at the first meeting of 2013 due to the discontinuation of the Board officer training. Additionally, he explained the requirement that all information that is to appear in open session must be in the hands of the Bureau Assistant a minimum of 24 hours before the meeting.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF ENFORCEMENT

Attorneys from the Division of Enforcement provide presentations related to the following Stipulations, Final Decisions and Orders:

1. 10 PHM 061 – James P. Haney
2. 12 PHM 015 – Donald R. Leetz

VARIANCE REPORTS/REQUESTS

Continued Reporting Requirements

MOTION: Thad Schumacher moved, seconded by Jeanne Severson, to start formulating a Technician Ratio Reporting form and any member wishing to provide feedback should do so by August 20, 2012. Motion carried unanimously.

Reports

MOTION: Jason Walker-Crawford moved, seconded by Tim Boehmer, to reject the report from Aurora Pharmacy – Sheboygan #1225 and request that they submit additional information as to the items returned to inventory. Motion carried. Greg Weber abstained.

The Board accepted the delivery reports from the following: Chartwell Midwest (x3), Dean Pharmacy (x2), Embrace Pharmacy, Meriter Outpatient Pharmacy, Prescription Solutions by OptumRx, QuadMed, Mercy Health, and Roeschen’s Omnicare Pharmacy (x2).

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to reject the report received from Pinnacle and to ask Pinnacle to appear at the next meeting to explain any variance greater than 6. Motion carried unanimously.

Requests

MOTION: Charlotte Rasmussen moved, seconded by Jason Walker-Crawford, to approve the variance as requested by Dean Clinic-Fish Hatchery (infusion) with standard reporting requirements. Motion carried unanimously.

Dean Pharmacy requested a termination of the previously granted variances to deliver medications to Dean Employees at Fish Hatchery Corporate office and Dean Health Plan at Deming Way.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to terminate the variances previously granted to Dean Clinic-Fish Hatchery and Dean Clinic-High Point. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the modification to the variance for Prescription Solutions by OptumRx to modify Exhibit A. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the variance for prescription delivery to Wheaton Franciscan Pharmacy #6825 with standard reporting requirements. Motion carried unanimously.

NABP PRESENTATION

Josh Bolin, Governmental Affairs Director, National Association of Boards of Pharmacy (NABP), provided an overview of the services that NABP has to offer.

MOTION: Tim Boehmer moved, seconded by Jason Walker-Crawford, to designate Jeanne Severson as the delegate and Greg Weber as the alternate to represent the Board at the NABP 2012 Triathlon in Northbrook, IL, on September 19-20, 2012. Motion carried unanimously.

BOARD DISCUSSION

1. DIVISION OF ENFORCEMENT MATTERS

- a. Discussion and Action Related to Division of Enforcement Policy Regarding Screening
Jeanette Lytle appeared before the Board to update the Board relative to the revised screening policy. She noted that attorneys will be reviewing cases that are being closed administratively. The Division of Enforcement will periodically provide the Board with a report of the number and types of cases closed administratively.

MOTION: Tim Boehmer moved, seconded by Jason Walker-Crawford, to include the complaint screening policy as an agenda item for the September meeting and to ask that the Department make staff available for questions at that meeting. Motion carried unanimously.

2. LEGISLATION/ADMINISTRATIVE RULE MATTERS

- a. Discussion and Action on Proposed Rule Draft for Section PHAR 7.055
Lydia Thompson reviewed the rule draft and solicited changes.

MOTION: Thad Schumacher moved, seconded by Charlotte Rasmussen, that the Board cease action on the proposed rule draft 7.055 – Transfer of Prescription Order Information. Motion carried unanimously.

b. Discussion and Action on Proposed Scope Statement for Sections PHAR 7.08(1), 8.05, 8.07(2) and 8.09

Lydia Thompson indicated that this scope statement will bring the rules in line with recent statutory changes. The Board asked that the scope statement be amended to remove the outdated requirements.

c. Discussion and Action on Proposed Scope Statement for Sections PHAR 7.04(1)(e)(2)

MOTION: Jason Walker-Crawford moved, seconded by Thad Schumacher, to approve the scope statement to modify PHAR 7.04(1)(e)(2) as submitted. Motion carried unanimously.

d. Discuss Current and Future Rulemaking and Legislative Initiatives

The Board made changes to the report.

e. Pending Pharmacy Rules Report

The Board asked that they receive a copy of the report that includes all rules that the Department has submitted on behalf of the Boards that they staff.

3. **LIAISON/COMMITTEE REPORTS**

a. Reports were received from the following:

- i. Regulatory Digest Liaison
- ii. PSW Pharmacy Practice Review Liaison
- iii. PSW Taskforce for Advancing Pharmacy Technician Practice Liaison

Doug Englebert addressed the Board to provide an update relative to his work with the PSW Pharmacy Practice Review Committee.

INFORMATIONAL ITEMS

Lydia Thompson told the Board that the distributors of Durable Medical Equipment (DME) are not required to be licensed in Wisconsin in order to receive reimbursement from the Centers for Medicare and Medicaid Services (CMS).

PUBLIC COMMENTS

Mike Ouvrard commented on the Board meeting and asked a question related to Schedule II drugs.

CLOSED SESSION

MOTION: Greg Weber moved, seconded by Jason Walker-Crawford, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Tim Boehmer - yes; Charlotte Rasmussen - yes; Thad Schumacher - yes; Jeanne Severson - yes; Jason Walker-Crawford - yes; and Greg Weber - yes. Motion carried unanimously. Open session recessed at 1:46 p.m.

RECONVENE TO OPEN SESSION

MOTION: Jason Walker-Crawford moved, seconded by Thad Schumacher, to reconvene in open session at 3:32 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Tim Boehmer moved, seconded by Thad Schumacher, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 10 PHM 061 – James P. Haney . Motion carried. Greg Weber recused himself from the deliberation and vote.

MOTION: Jeanne Severson moved, seconded by Thad Schumacher, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 12 PHM 015 – Donald R. Leetz. Motion carried unanimously.

CASE CLOSINGS

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to close case 12 PHM 022 for No Violation. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Thad Schumacher, to close case 12 PHM 023 for Insufficient Evidence. Motion carried unanimously.

MONITORING

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to increase the number of PIC hours to 32 and reduce the number of drug screens to 12 times per year plus one hair test in the matter of Gabriel J. Simons. Motion carried unanimously.

APPLICATION MATTERS

MOTION: Jason Walker-Crawford moved, seconded by Thad Schumacher, to notify Wholesale Distributor applicants that an FDA Manufacturer inspection does not meet the requirements of the Board. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to notify Wholesale Distributor applicants that an Accreditation Commission for Health Care, Inc. DMEPOS inspection does not meet the requirements of the Board. Motion carried unanimously.

PROFESSIONAL ASSISTANCE PROGRAM

MOTION: Thad Schumacher moved, seconded by Jason Walker-Crawford, to deny admittance to the professional assistance program in the matter of D.L. Motion carried unanimously.

ADJOURNMENT

MOTION: Jeanne Severson moved, seconded by Thad Schumacher, to adjourn the meeting at 3:39 p.m. Motion carried unanimously.